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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,691	10/05/2000	David P Ferguson	10004941-1	9007

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,691

Applicant(s)

FERGUSON ET AL.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to application filed on Oct 5, 2000. Claims 1-34 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-10, 11, 21, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gleichauf et al., U.S. Patent No. 6,324,656 (referred to hereafter as Gleichauf).

Gleichauf teaches

As to claim 1, Gleichauf teaches a method for detecting devices connected to a network comprising:

sending a scan request to a remote command process running on a remote network host (see col. 3 lines 50-55 and lines 60-67, where the command process is the network vulnerability assessment (NVA));

scanning the network host with the remote command process to determine if devices are connected to the host (see col. 4 lines 15-34); and

receiving a response to the scan request from the remote command process that indicates whether a device is connected to the network host (see col. 2 lines 6-15).

As to claim 2, Gleichauf teaches the method of claim 1 wherein a controller process is used to send the scan request to the remote command process (see col. 4 lines 15-34).

As to claim 3, Gleichauf teaches the method of claim 2 wherein the controller process runs on a network host (see col. 4 lines 15-34).

As to claim 4, Gleichauf teaches the method of claim 1 wherein scanning the network host with the remote command process comprises sending a scan request from the remote command process to a host application program interface (see col. 3 lines 48-53, where the host application program interface is the network backbone).

As to claim 6, Gleichauf teaches the method of claim 1 further comprising maintaining an updated list of each network host running a remote command process with a host lookup process (see col. 4 lines 16-20).

As to claim 7, Gleichauf teaches the method of claim 6 further comprising consulting the list prior to sending the scan request (see col. 3 lines 57-67).

As to claim 8, Gleichauf teaches the method of claim 1 further comprising sending multiple scan requests to multiple remote command processes stored on network hosts (see col. 4 lines 16-20).

As to claim 9, Gleichauf teaches the method of claim 8 wherein the scan requests are sent in parallel (see col. 4 lines 16-20).

As to claim 10, Gleichauf teaches the method of claim 1 further comprising communicating information concerning the detected devices to a user (see col. 2 lines 16-36 and col. 4 lines 40-55).

As to claim 11, Gleichauf teaches a device detection system connected to a network comprising:

means for sending a scan request to a remote command process running on a remote network host (see col. 3 lines 50-55 and lines 60-67, where the command process is the network vulnerability assessment (NVA));

means for scanning the network host with the remote command process to determine if devices are connected to the host (see col. 4 lines 15-34); and

means for receiving a response to the scan request from the remote command process that indicates whether a device is connected to the network host (see col. 2 lines 6-15).

As to claim 10, Gleichauf teaches the method of claim 1 further comprising communicating information concerning the detected devices to a user (see col. 2 lines 16-36 and col. 4 lines 40-55).

As to claim 21, Gleichauf teaches a device detection system connected to a network comprising:

logic configured to send a scan request to a remote command process running on a remote network host (see col. 3 lines 50-55 and lines 60-67, where the command process is the network vulnerability assessment (NVA));

logic configured to scan the network host with the remote command process to determine if devices are connected to the host (see col. 4 lines 15-34); and logic configured to receive a response to the scan request from the remote command process that indicates whether a device is connected to the network host (see col. 2 lines 6-15).

As to claim 31, Gleichauf teaches a device detection system for remotely detecting devices connected to a network comprising:

a controller process running on a first network host, the controller process being configured to send a scan request to a remote network host (see col. 3 lines 50-55 and lines 60-67, where the command process is the network vulnerability assessment (NVA));

a remote process stored on a second network host, the remote command process being configured to receive the scan request sent by the controller process and initiate a scan of the second network host to determine whether devices are connected to the second network host (see col. 4 lines 15-34 and col. 2 lines 6-15).

As to claim 32, Gleichauf teaches the system of claim 31 further comprising a host lookup that maintains an updated list of every network host that is running a remote command process (see col. 4 lines 16-20).

As to claim 33, Gleichauf teaches the system of claim 32 wherein the host lookup process runs on the first network host (see col. 4 lines 16-20).

As to claim 34, Gleichauf teaches the system of claim 32 wherein the host lookup process runs on a third network host (see col. 4 lines 16-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gleichauf in view of Hemphill et al., U.S. Patent No. 6,490,617 (referred to hereafter as Hemphill).

Gleichauf teaches scanning the network host with the remote command process comprises sending a scan request from the remote command process to a host application program interface (see the rejection of claim 4) and requesting information directly from the devices (see col. 2 lines 28-37).

Gleichauf does not explicitly teach the limitation "receiving device addresses from the application program interface". However Hemphill teaches a method to receive device addresses in a network (see col. 1 lines 13-31).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Gleichauf by incorporating method for receiving device addresses from the application program interface as in Hemphill. One would be motivated modify Gleichauf to incorporate receiving device addresses from the application program interface because doing so would allow direct communication between the command process and the device by using the retrieved address and allows the command process faster update of the device status by directly checking the

retrieved address rather than scanning the network host and checking the status of all connected devices.

4. Claims 12-20 and 22-30 do not teach or define any additional limitations over claims 1-10 and therefore are rejected for similar reasons.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Monitoring And Notification Method And Apparatus by Bilder, U.S. Patent No. 6,359,557.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Hussein El-chanti

Date: Oct. 30, 2003


ARIO ETIENNE
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